80-6273

RECEIVED
MAR 2 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM1980

LYLE H. PRENZLER,

Plaintiff-Appellant,

vs.

FRED KAMRATH, VERA KAMRATH,
DBA YUMA REALTY COMPANY,

Defendant-Respondent.

JURISDICTIONAL

STATEMENT

RULE 0 SUPREME COURT 15,12

QUESTIONS PRESENTED

1. Was the Order of December 3, 1980; dismissing the appeal C.A. No. 80-5761; USCCA 9; D.C. No. Cv 79-2241 LEW (Central California in error; and thus deprived Appellant of Hearing, and contrary to law; 42 U.S.C. 1986; 18 USC 241,242 and repugnant to the federal Constitution?
2. Was the failure to notify Appellant of service of Summons and Complaint by U.S. Marshal and dismissal of July 28, 1980 in the District Court; when fees paid and all procedural requirments complied with; without requiring an answer from Defendants a denial of due process and a continuing denial of redress?

LIST OF ALL PARTIES

This action by Appellant against a broker who misrepresented in sale to Appellant in 1970 and which representation of type of rootstock of a citrus ranch has been claimed as central to the sale to an attorney by same broker in 1973 upon which he brought suit over three years after such sale; and after a friend of his; a full time ranch evaluator for Equitable Life Assurance Co. was paid $2000 to evaluate said ranch out of the sale contract; destroying any expectancy interest; against Appellant alleging the same misrepresentation; in which Appellant has been denied redress by the outrageous injustice of the Court and attorneys

in the state of Arizona. The actions of the herein District Court and Court of Appeals conform with same discrimination; by denying appeals, payment fees et al.; and which actions have caused Appellant to discontinue his employment in the Middle East in order to pursue this and multiple other actions related; when his attorney applied for substitution out as representative and failed to make appearances, while so employed.

Appellant is a citizen of California; Physician and with no prior experience in citriculture.

Defendants are the broker, his wife and the marital community of Yuma Realty. All cases related filed orignally State Court.

JURISDICTION

This appeal is filed and these proceedings are instituted under 28 U.S.C. 1402(a)(1); 18 U.S.C. 1252; 28 U.S.C. 2101(c); this appeal filed December 11, 1980 and received by appellant on February 20, 1981. Jurisdiction also under 15 U.S.C. 1-15; 77;78 and 18 U.S.C. 241 & 242; 42 U.S.C. 1983,1985,1986; 28 U.S.C. 1343. and 28 U.S.C. 1397,1335,2361.

The cases believed to sustain the jurisdiction are:

1. U.S. v. Ellis DCSC 1942 43 F.Supp. 321;
2. Metcalf v. Swank 1971 CA7 III 444 F2d 1353;
3. Freeman &. Bass, P.A. v New Jersey Com of Investigation 1973 DC NJ 359 F.Supp. 1053;

5. U.S. v Henley Fla 1964 84 S.Ct. 553.

Related cases have been repeatedly filed in State Courts by Appellant against same parties and redress denied under color state statute CCP 418.10 denying personal jrusidcition for failure to serve summons with complaint and its res judicata effect, based upon a false affidavit conflicting with that of serving officer.

INVOLVED CONSTITUTIONAL PROVISIONS AND STATUTES

FOURTEENTH AMENDMENT

Section 1 All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of

law; nor deny to any person within its jurisdiction the equal protection of the laws.

FIFTH AMENDMENT

Not be deprived of life, liberty or property without due process of law;

FIRST AMENDMENT

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise, thereof; or abridging the freedom of speech, or of the press or the right o people peacable to assemble and to petition the government for redress of grievances.

STATEMENT OF CASE

This action has denied redress; in addition to that previously denied in pendent actions; by failure to notify the Appellant that Marshal's service was completed or not completed. The appeal was then denied for failure to comply with appeal process when; in fact, a non-designation of court reporter's transcript had been Filed and further notification from the Court of Appeal was awaited. A copy of said appeal schedule is attached.

STATEMENT OF REASONS QUESTIONS ARE SUBSTANTIAL

The rights of appellant have been violated by the states, by the officers of the courts, by the United States acting in league with the Defendants. By right this is in nature of an in erpleader action in which the appellant is a party between the attorney purchaser from and party selling to him upon the representations of broker and their are collusive acts of joinder and non-joinder pursuant to 28 U.S.C. 1359 and frauds and swindles 18 U.S.C. 1341; and the aid of the United States has been sought and denied for needed expertise and assistance; and no violation of procedural rule is stated nor noted by Clerks of the Appeals Section USDC Central California. Acts herein are repeatedly done against appellant. The acts alleged will impair the rights of Appellant litigant to prevent prejudice to his civil rights or of those himilarly situated.

CONCLUSION

For all these reasons this case should be reviewed on the merits.

Dated: February 24, 1981

LYLE H. PRENZLER PRO SE
715 East Chapman Avenue
Orange, California 92666
714 639 1701

VERIFICATION

I declare under penalty perjury that I am the Appellant and believe the hereinabove to be truthful, to my knowlege, belief or contention.

February 24, 1981

LYLE H. PRENZLER

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

No.

LYLE H. PRENZLER,

Plaintiff-Appellant,

vs.

FRED KAMRATH, VERA KAMRATH,
DBA YUMA REALTY COMPANY,

Defendant-Respondent,

MOTION FOR LEAVE TO PROCEED FORMA

PAUPERIS

Lyle H. Prenzler, hereby motions to proceed in Forma Pauperis and supports said motion under 28 U.S.C. 1915 (a,b,c,d,e) by attached affidavit.

Dated: February 24 1980

LYLE H. PRENZLER, M.D.

715 E Chapman Ave
Orange, CA 92666
714 639 1701

80-6273

RECEIVED
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SUPREME COURT, U.S.

in the

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

No.

AFFIDAVIT

STATE CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, Lyle H. Prenzler, being duly sworn, depose and say:

I am the applant in the above entitled action and support my applicat on for leave to proceed without being required to prepay costs or fees state:

1. I am a pauper, wholly because of this action herein; and multiply vexatious ancillary actions and the necessity of time and attention to defend myself many times for actions regardless of m rit, and I have been denied consolidation and interpleader rights, and equably venue and redress.

2. I believe I am entitled to redress and my cause meritorious.

3. The nature of the cause, in brief, is a procedural error by which I have been redress, equal rights and equal protection and interpleader rights.

Dated: February 24, 1981

LYLE H. PRENZLER

NOTARY PUBLIC

MY COMMISSION EXPIRES

OFFICIAL SEAL
DOROTHY M. BANTA
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Exp. Oct. 23, 1984

LYLE H. PRENZLER
715 East Chapman Avenue
Orange California 92666
714 639 1701

FILED

DEC 11 1980

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

2—2081

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LYLE H. PRENZLER,

Plaintiff-Appellant,

vs.

FRED KAMRATH, VERA KAMRATH, DBA YUMA REALTY COMPANY,

Defendants/Appellees.

CA NO. 80-5761

DC NO. CV 79-2241LEW

(Central California)

NOTICE OF APPEAL

Lyle H. Prenzler, appeals the Orde of December 3, 1980 in the above cause to the Supreme Court of the United States for failure to hear appeal pursuant to 42 U.S.C. 1986; and for denial in nature of injunctive relief; and for violations of 15 U.S.C. 1, 15 U.S.C. 13 and 15 U.S.C. 15; 15 U.S.C. 77 & 78

Dated: December 8, 1980

LYLE H. PRENZLER IN PRO SE

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DOCKETED
FILED
DEC 3 - 1980
RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

LYLE H. PRENZLER,

Plaintiff-Appellant,

-vs-

FRED KAMRATH; VERA KAMRATH, d/b/a YUMA REALTY COMPANY,

Defendants-Appellees.

C.A. NO. 80-5761

D.C. NO. Cv 79-2241-LEW (Central California)

ORDER

A review of the file in the above captioned case has revealed that the appellant has failed to perfect the appeal as prescribed by the Federal Rules of Appellate Procedure.

Pursuant to Rule 19(b) of the Rules of the Ninth Circuit, this appeal is dismissed for failure to comply with the rules requiring processing the appeal to hearing.

A certified copy of this order to the district court shall constitute the mandate.

FOR THE COURT:

Richard H. Deane
Clerk of Court

BY: Jereldine Curtis
Jereldine Curtis
Deputy Clerk

CA9-039 (9/8/80)

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LYLE H. PRENZLER, Plaintiff, vs. FRED KAMRATH, et al., Defendants.	Court of Appeals Docket No. _____ Docket Number(s) of Court of Appeals Companion and/or cross appeals (if known) _____ _____ District Court Docket Number CV 79-2241-LEW Date Transcript(s) Filed NONE

CERTIFICATE OF RECORD

This certificate is submitted in conformance with Rule 4(f) of the Local Rules of the U.S. Court of Appeals for the Ninth Circuit. The record on appeal, consisting of the trial transcript (if any) and the trial court clerk's record, is ready for the purposes of the appeal. This record is available in the office of the U.S. District Clerk identified below.

The documents comprising the trial court clerk's record have been numbered in conformance with Rule 11(b) of the Federal Rules of Appellate Procedure. These document numbers are reflected on the U.S. District Court docket sheet and should be used for reference purposes in the briefs.

The actual filing date for this document in the U.S. Court of Appeals will initiate the briefing schedule in civil cases (including habeas corpus cases). All parties in civil cases will receive separate notification of this filing date. In criminal cases, the briefing schedule is set by a Time Schedule Order from the U.S. Court of Appeals.

EDWARD M. KRITZMAN
Clerk, U.S. District Court

For the Central of California

By: Frances Blair
Deputy Clerk

Date: 10-9-80

cc: Counsel of Record

A-25 (6/80)

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

U.S. Courthouse, Rm. G-8
Los Angeles, California 90012

Edward M. Kritzman
Clerk

Leonard A. Brosnan
Chief Deputy

CASE NUMBER: CV 79-2241-LEW

CASE TITLE: Lyle H. Prenzler v. Fred Kamrath, et al.,

TO COUNSEL OF RECORD:

The following information is provided to assist you in the preparation of your appeal.

The Local Rules of the United States Court of Appeals for the Ninth Circuit have been amended as to all cases in which the notice of appeal is filed on or after March 1, 1979. In order to properly prepare the record for this appeal, the following schedule must be followed:

I. PAYMENT OF THE FILING AND DOCKET FEES

The Federal Rules of Appellate Procedure require the United States District Court Clerk to collect all filing and docket fees when a notice of appeal is filed. The fees are as follows: $5.00 clerk's filing fee and $65.00 docket fee. One check may be submitted in the amount of $70.00 payable to Clerk, U.S. District Court", and forwarded to this office, not the U.S. Court of Appeals. This appeal is subject to immediate dismissal if the U.S. Court of Appeals docket fee is not paid by the appellant upon the filing of the Notice of Appeal or immediately thereafter.

II. ORDERING REPORTER'S TRANSCRIPT (Rule 10(b) FRAP)

A. Within ten days after filing the notice of appeal, the appellant must order from the reporter a transcript of such parts of the proceedings not already on file as he deems necessary for inclusion in the record.

B. If the appellant intends to order the entire reporter's transcript, he should, within ten days after filing the notice of appeal, file with the U.S. District Court and serve on the appellee a designation of reporter's transcript.

C. If the appellant intends to order less than the entire transcript, he must, within ten days after filing the notice of appeal, file with the U.S. District Court and serve on the appellee a designation of the partial transcript and a statement of the issues he plans to raise on appeal.

D. If the appellee deems a transcript of other parts of the proceedings to be necessary, he shall, within ten days after service of the statement of the appellant, file with the U.S. District Court and serve on the appellant a designation of additional parts to be included. (If the appellant refuses to order such parts, the appellee may either order the parts or apply to the U.S. District Court for an order requiring the appellant to do so.)

E. If a reporter's transcript will not be ordered, the Clerk of the U.S. District Court must be advised, by filing a document entitled "Notice of Non-Designation of Reporter's Transcript", to the District Court that a transcript will not be ordered for the appeal. A copy of the document must also be served on the appellee.

CAUTION: The filing of a designation of Reporter's Transcript does not order the Reporter's Transcript. At the time of ordering a transcript satisfactory payment arrangements must be made with the court reporter.

III. CERTIFICATE OF RECORD

Upon the filing of the reporter's transcript or upon receipt of notice that a transcript will not be ordered, the U.S. District Court will prepare and file the Certificate of Record with the U.S. Court of Appeals. A copy of the Certificate of Record will be mailed to counsel of record. The U.S. Court of ppeals will then notify counsel of the briefing schedule.)

IV. DESIGNATION OF CLERK'S RECORD (9th Circuit Local Rule 4(d))

At the time of filing the appellant's brief, the appellant must file with the U.S. District Court and serve on the appellee a designation of those documents in the Clerk's file to which reference is made in his brief. Designations that are prematurely filed will be returned to counsel.

At the time of filing appellee's brief, the appellee must file with the U.S. District Court, and serve on the appellant, either a designation of additional documents to which reference is made in his brief or a certificate of counsel stating that no additional documents are required. Designations that are prematurely filed will be returned to counsel.

A. Local Rule 32(b) of the Local Rules of the Central District of California states, in part, that each designation of record on appeal shall list each item to be designated, by exact title of the document, date filed and document control number.

B. In the event the docket sheet does not have a document control number assigned, you are to assign the document(s) to be cited in your brief a document control number. When preparing your designation of clerk's record you must indicate the document number that you have assigned to the document, the date of filing and the title of each document.

V. OTHER SUGGESTIONS:

A. If you will number the documents in your file to correspond with the numbers on the docket sheet (which can be obtained from the Records and Reproduction Section of the Clerk's Office), you will not need a copy of the Clerk's record.

B. If a designation appears to be excessive and not in compliance with Ninth Circuit Rule 4(d), this office may require a copy of your brief, prior to assembling the Clerk's record, which must indicate where each cited document is found.

If you have any questions, please feel free to call or come to this office.

DATE: 10-1-80

EDWARD M. [illegible], CLERK
U.S. DISTRICT COURT

LYLE H. PRENZLER
715 E Chapman Ave
Orange CA 92666
714 639 1701

UNITED STAES DISTRICT C URT FOR CENTRAL CALIFORNIA

LYLE H. PRENZLER,

Plaintiff,

vs.

FRED KAMRATH, ET AL.,

Defendants.

NOL CV-79-2241-LFW

NON-DESIGNATION CLERK TRANSCRIPT ON APPEAL

Lyle H. Prenzler, appellant, non-designates clerk's record on appeal.

Dated: October 5, 1980

LYLE H. PRENZLER PRO SE

Copy - None - Necessary

LYLE H. PRENZLER
715 East Chapman Avenue
Orange, California 92666
714 639 1701

UNITED STATES DISTRICT COURT FOR CENTRAL CALIFORNIA

LYLE H. PRENZLER,
Plaintiff,
vs.
FRED KAMRATH,
Defendant.

NO. CV 79-2241 -LTW

NOTICE OF APPEAL

Lyle H. Prenzler hereby notices appeal to the United States Court of Appeals Ninth Circuit the Order of September 8, 1980, in the above numbered cause, for matters denying in nature of injunctive relief and vacation of judgment.

Dated: September 24, 1980

LYLE H. PRENZLER, M.D.

NO COPIES: ADVERSE PARTIES HAVE NOT ANSWERED.

APPEAL PAID BY MONEY ORDER GOLDEN STATE BANK 8590866 for $70.00

LYLE H. PRENZLER
715 East Chapman Avenue
Orange California 92666
714 639 1791

UNITED STATES DISTRICT COURT CENTRAL DISTRICT CALIFORNIA

LYLE H. PRENZLER,
Plaintiff,
vs.
FRED KAPER TH,
Defendant,

NO. 79-2242-LTW

MOTION FOR RECONSIDERATION OF ORDER

Lyle H. Prenzler will move for Reconsideration of Order of Hearing 28 July 1980 in the above Cause and supports such motion by affidavit of Lyle H. Prenzler,

Dated: July 30, 1980

LYLE H. PRENZLER PRO SE

AFFIDAVIT IN SUPPORT

Lyle H. Prenzler, being prior sworn deposes and says that he will pay Marshal's service fees in this Cause and that he will prosecute the Cause expeditiously; and that in view of denial, or in the nature of denial of injunctive relief and stay while appeal and application to Judicial Panel on Multi-District Litigation plaintiff will apply for hearing in this matter.

July 30, 1980

LYLE H. PRENZLER

BY COURT ORDER FILED

NOTARY PUBLIC

LYLE H. PRENZLER
715 East Chapman Avenue
Orange Ca 92000
714 639 1701

UNITED STATES DISTRICT COURT CENTRAL DISTRICT CALIFORNIA

LYLE H. PRENZLER,
Plaintiff
vs.
FRED KAMRATH, ET AL.,
Derendants.

NO. CV 79-2241-LFW
OBJECTION TO DISMISSAL
July 28 1980
1:30 PM

Lyle H. Prenzler, plaintiff herein, objects to order to show cause why complaint should not be dismissed and herein shows cause, and will try to appear at calling of Law and Motion calendar of this Court on July 28, 1980 at 1:30PM, and supports ~~said objection~~ and show cause with check 223 FICamino Bank dated June 28, 1979 which was for filing fee on Pike Whitmer, Kamrath of which within one action and copy letter of U.S. Marshal June 19, 1979 and ~~of~~ clerk of this Court of July 19 1979 and April 24, 1980.

AFFIDAVIT IN SUPPORT OF OBJECTION

State California
SS
County Orange

Lyle H. Prenzler, being duly sworn deposes and says that I have filedto appear in forma pauperis in above action, and have prepaid fees to this court which have not been returned of over $500.00; and prepaid marsahl's service by $300.00 for which I have not

2nd Copy & Also E-Mail to RKamrath Orlie 79-2232 LEW

received credit; and that I have been refused service of process in these cases and procedural due process for payment of said fees and that the statutes, Acts of Congress and United States Constitution cited in the pleadings under Jurisdiction permit service of process in this action, and ancillary actions upon which amendment is prayed for interpleader and multi-district litigation and appeals which are now pending and stay herein is prayed for. Consolidation is prayed for. I believe and state a dismissal would be a decision against me.

July 7, 1980

LYLE H. FRENZLER

NOTARY PUBLIC Dorothy M Banta

MY COMMISSION EXPIRES 10-3-1980

COPIES MAILED TODAY, JULY 7, 1980 TO

NO ADVERSE PARTIES HAVE ANSWERED

OFFICIAL SEAL
DOROTHY M. BANTA
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires October 3, 1980

LYLE H. FRENZLER

FILED

JUN 18 1980

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LYLE H. PRENZLER,

Plaintiff,

v.

FRED KAMRATH, et al.,

Defendants.

Case No. CV 79-2241-LEW

ORDER TO SHOW CAUSE WHY COMPLAINT SHOULD NOT BE DISMISSED

TO COUNSEL FOR PLAINTIFF AND COUNSEL FOR OTHER PARTIES APPEARING IN THIS ACTION:

Rule 10 of the Local Rules of this Court, as amended, provides that any action or proceeding which has been pending in this Court for an unreasonable period of time without any proceedings having been taken therein during such period may, after notice, be dismissed for want of prosecution. It appears to the Court that the instant case is such an action or proceeding. You are, therefore, notified that at the calling of the Law and Motion calendar of this Court on July 28, 1980, at 1:30 P.M. the Court proposes to enter an order dismissing the instant action in its entirety/~~as to the following defendants~~ _____

_____

without prejudice for want of prosecution. If you object to such dismissal and believe that the matter is one not within the language of the Rule, you shall:

1. File a written objection to the dismissal with Points and Authorities not later than 10 days prior to the date specified above and serve the same on counsel for all parties appearing in the action. Failure to file said objection within the time specified will be deemed a consent to the dismissal of the action proposed herein.

2. Appear in person on the date of said Order to Show Cause.

The Clerk is ordered to transmit a copy of this notice by United States mail to counsel for Plaintiff and to counsel for each party appearing in the action. If there are no objections to the proposed dismissal, it will not be necessary for any counsel to file any response hereto or to appear at the hearing. If any counsel objects to the proposed dismissal, counsel for all other parties appearing in the action are required to be present at the hearing whether or not they themselves object to the proposed dismissal.

DATED: June 6, 1980

Laughlin E. Waters

LAUGHLIN E. WATERS
United States District Judge